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10 Attorneys for Defendants
11 AMERICAN GUARANTEE AND
12 LIABILITY INSURANCE COMPANY; AMERICAN
13 ZURICH INSURANCE COMPANY; ZURICH
14 AMERICAN INSURANCE COMPANY; and
15 ZURICH AMERICAN INSURANCE COMPANY
16 OF ILLINOIS

17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 DGP ASSOCIATES, LP,

Case No. 3:12-cv-06348 EMC

20 Plaintiff,

**[PROPOSED] ORDER GRANTING
DEFENDANTS' OBJECTIONS TO REPLY
TO DEFENDANTS' OPPOSITION TO
MOTION TO REMAND**

21 v.

22 Date: March 7, 2013

23 AMERICAN GUARANTEE AND
24 LIABILITY INSURANCE COMPANY, et
25 al.,

26 Time: 1:30 p.m.

27 Defendants.

28 Courtroom: 5

Judge: Hon. Edward M. Chen

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ORDER

The Court having considered all pleadings and papers submitted by the parties regarding the Zurich Defendants' Objection to and Request to Strike New Evidence and Argument in Plaintiff's Reply To Defendant's Opposition to Motion to Remand or, in the Alternative, Request for Leave to File Sur-Reply, including Declarations and Exhibits, the materials on file with the Court, and finding that Plaintiff has presented new evidence and arguments in its Reply to Defendants' Opposition to Motion to Remand,

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IT IS HEREBY ORDERED that:

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(a) The Zurich Defendants' Motion is GRANTED;
(b) The Declaration of John Piccetti in Support of Plaintiff's Reply to Defendants' Opposition to Motion to Remand is stricken; and
(c) The Declaration of Josephine Lo, and all attached exhibits, in Support of Plaintiff's Reply to Defendants' Opposition to Motion to Remand is stricken;

or in the alternative,

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(a) The Zurich Defendants are granted leave to file a sur-reply to respond to the new evidence and arguments raised in Plaintiff's Reply to Defendants' Opposition to Motion to Remand; and
(b) The Zurich Defendants' sur-reply is to be filed by _____, 2013.
(c) The motion hearing is reset from March 7, 2013 to March 14, 2013 at 1:30 p.m.

IT SO ORDERED,

Dated: 2/28, 2013

